

Livable Hawaii Kai Hui

Sensible Growth, Respect for the land

ANNUAL CONSERVATION EASEMENT MONITORING REPORT

Property: KĀNEWAI SPRING

Date of Monitoring: May 8, 2020

**Prepared For: City and County of Honolulu
&**

**David Penn
State of Hawaii Department of Land and
Natural Resources Legacy Land
Conservation Program**

EASEMENT MONITORING FORM

I. General Information

A. Hawaii Bureau of Conveyance Documents:

Doc No(s): T-10033211

On Cert(s): 1138613

State of Hawaii Office of the Assistant Registrar Recorded June 21, 2017

B. TMK(s):

(1) 3-8-002:026

C. Property Location:

Kuliouou, City and County of Honolulu, State of Hawai'i

D. Property Owner and Contact Information:

Maunalua Fishpond Heritage Center (MFHC)

Chris Cramer, Executive Director

P.O. Box 240204

Honolulu, HI 96824

Phone: (808) 382-0847

Email: maunaluafishponds@gmail.com

E. Date of Last Monitoring Visit:

May 29, 2018

II. Inspection

A. Monitoring Agent and Affiliation:

Christina Aiu, Consultant for Livable Hawai'i Kai Hui (Conservation Easement Administrative Holder)

B. Landowner/Agent of Landowner in Attendance:

Brenda Asuncion, MFHC Board Member

Chris Cramer, MFHC Founder and Executive Director

C. Others in Attendance:

N/A

D. Inspection Arrival Time:

3:00pm

Inspection Departure Time:

4:00pm

III. Conservation Easement Details

A. Date Conservation Easement was recorded:

June 21, 2017

B. Date Baseline Monitoring Report was completed:

April 30, 2017

Has the baseline report been updated?

N/A

Does the baseline report need updating?

No

C. Describe any approvals, exercise of reserved rights, modifications, amendments, releases, assignment or termination of the conservation easement in the year of the visit:

None

D. Does the conservation easement restrict the use/addition/modification of buildings or structures? If Yes, describe:

Yes. The Conservation Easement requires that construction, maintenance, and use of structures must be appropriate to the use of the Property by the public that is not inconsistent with the protection of the Conservation Values. *Conservation Easement, Section B.4.*

Section C.1 of the Conservation Easement requires that the Property be used "in a manner consistent with all federal, state, and county laws including, without limitation, land use and zoning laws, rules and regulations[.]" *Conservation Easement, Section C.1.*

The Conservation also prohibits on site commercial activity, specifically prohibiting conducting illegal weddings or vacation rentals, limits the Property to one caretaker cottage for not more than two people, prohibits MFHC from building outside the current site building footprint and restricts any building to one-story, and prohibits MFHC from subdividing or using CPR on the site. *Conservation Easement, Section C.2.1, 9, 15, and 16.*

Section D.1. of the Conservation Easement limits the use/addition/modification of buildings or structures as follows:

Limitations on Uses and Activities. Grantor shall not use the Property in any manner inconsistent with this [Conservation] Easement, including without limitation all of its declarations,

covenants, conditions, and restrictions. Without limiting the generality of the foregoing, the following uses of, or activities on, the Property, though not an exhaustive list of inconsistent uses or activities, are inconsistent with the Conservation Values and Purposes of this [Conservation] Easement and shall be prohibited, except as expressly provided herein.

- a. Subdivision. Grantor shall not subdivide or submit the Property to a condominium property regime (CPR).
- b. Structures. Grantor shall limit development to a community gathering, cultural, science and/or interpretive structure, which may be a modern structure or a traditional Hawaiian halau/hale, or a combination of the two. Grantor shall not construct any dwelling unit or lodging unit, including cabins or other temporary lodging, on the Property, except a caretaker's unit. If a caretaker's unit is called for in the Management Plan, Grantor may construct a modest caretaker's unit that is separate from or part of the community gathering, cultural, science and/or interpretive structure described above. All structures, including the possible separate caretaker's unit shall also be constructed within the current footprint of the existing house.
- c. Commercial Activities. Grantor shall not engage in any commercial activities on the Property, except that Grantor may harvest and cook on the Property provided that doing so will not significantly impact the Conservation Values, and if there is an abundance of fish, limu, kalo, sweet potato, and other resources grown on the Property, Grantor may take these resources to the market. Grantor may also conduct film and photography in a manner consistent with the Purpose and that does not significantly impact the Conservation Values. Prohibited commercial activities shall not include programs and activities on the property that (a) preserve a sense of place within the Property and (b) perpetuate the Purpose of this [Conservation] Easement.
- d. Entrance Fees. No fees shall be charged for entrance or admission to the Property. Entrance fees shall not include nominal fees or donations associated with programs and materials provided by Grantor.

- e. Mineral Extraction. Grantor shall not engage in any mineral extraction activities on the Property.
- f. Erosion or Water Pollution. Any use or activity that causes or is likely to cause significant soil degradation or erosion or significant pollution to any surface or subsurface waters. *Conservation Easement, Section D.1.*

Section E of the Conservation Easement further limits the use/addition/modification of buildings or structures as follows:

The following activities and uses are permitted on the Property only upon receiving approval by Grantees pursuant to the approval procedures set forth in Section J.1.

- 1. Construction Activities. Demolition or construction of any structure. Grantor and Grantees understand that the Property is within the Special Management Area (SMA), and Grantor understands Hawai'i Revised Statutes (HRS) Chapter 205, the Coastal Zone Management (CZM) law, requires Grantor to receive a SMA permit before any demolition or construction on the Property.
- 2. Dwelling. Use of any structure of a dwelling, such as by an onsite caretaker. *Conservation Easement, Sections E.1 and E.2.*

E. Are there any certified historic structures on the Property?
No

On the National Register of Historic Places? If yes, describe.
No

F. The Conservation Easement also contains the following additional restrictions on use of the Property:

City and County of Honolulu Funding Conditions: The Honolulu City Council passed its Fical Year 2017 budget with One Million Dollars (\$1,000,000.00) included for the preservation of the Property. Grantor agrees to use the Property in compliance with the following 16 conditions of the City and County of Honolulu's funding contribution, which the Honolulu City Council imposed to address neighbor privacy concerns. This conservation easement:

1. Prohibits on site commercial activity, specifically prohibiting conducting illegal weddings or vacation rentals.
2. Maintains a vegetative privacy screen along the Property's Kanewai Fishpond (aka Kuliwai Lagoon) boundary that is at least six feet tall and two feet wide;
3. Requires Grantor to comply with all noise ordinances and conduct its stewardship activities in a manner respectful of the surrounding residential neighborhood;
4. Prohibits unsupervised public access to the Property;
5. Limits groups of students and volunteers to three groups per month with the understanding that Grantor typically has no more than two groups per month;
6. Limits number of people that can visit the Property at one time to 30 people, with the exception of one annual stewardship gathering limited to 50 people;
7. Requires Grantor to ensure that its Kanewai Spring volunteers to not enter Kanewai Fishpond (aka Kuliwai Lagoon), neighboring properties, and neighboring private roads;
8. Limits activity on site after 6:00pm;
9. Limits the property to one caretaker cottage for not more than two people;
10. Requires the student and volunteer groups visiting the Property to park off site and walk to the Property with the exception that a disabled or elderly student or volunteer may drive or be driven into the site;
11. Requires Grantor to check on the Property at least three times per week to maintain safety of the Property and the nearby residences and discourage squatters;
12. Requires Grantor to secure the property with a locked gate so that the Property is not accessible to the public;
13. Requires Grantor to request to be included in the Kuliouou Kalani Iki Neighborhood Board's agenda annually to summarize its activities and progress made in the past year and plans for the upcoming year;

14. Requires Grantor to quarterly mail a brief update of their activities over the past quarter and their planned activity for the upcoming quarter to the residences surrounding Kanewai Fishpond (aka Kuliwai Lagoon) including notice of its annual report to the Kuliouou Kalani Iki Neighborhood Board;

15. Prohibits Grantor from building outside the current site building footprint, and restricts any building to one-story; and

16. Prohibits grantor from subdividing or using CPR on the site. *Conservation Easement, Section C.2.1-16.*

IV. Property Details

A. Property Size in acres:
0.7712

B. Present use(s) of the Property:
Natural and Cultural Resource Stewardship; Preservation

C. Any new structures/changes in the use of the Property since last monitoring?
A toilet is currently being installed in the Property. Additionally, a section of the property is being used for beekeeping. The beekeeping area is farther away from the pond toward the Eastern boundary and away from areas where there are regular volunteers. A closet space in the building is now being used as an office space for MFHC's Executive Director. The pedestrian gate is now completed and allows for safe access to the property from Kalaniana'ole Hwy.

E. Uses of surrounding properties: Residential

F. Does the landowner anticipate any new future plans/changes in the use of the Property?
No changes are anticipated to occur within the next year. In the long term, MFHC hopes to use part of the historic structure as a classroom space for educational programming and to have a caretaker living on site.

V. Monitoring Details

A. Describe the conditions and context of your inspection (i.e., weather, visibility, ground conditions, etc.)
Sunny weather; the Property was viewed/monitored by foot.

B. Were all boundaries accessible and, if not, what steps were taken to confirm boundaries?

All boundaries were accessible.

C. Were you able to observe all of the Property?

Yes.

D. Describe any changes to the Property from natural causes (wind, fire, erosion, flood, pests, etc.)

There were no changes to the Property due to natural causes.

E. Describe any man-made changes or potential problems such as unauthorized access, encroachment, litter, vandalism, hunting, unauthorized new buildings or structures, unauthorized uses, cleared land, excavations, downed trees, signs, survey stakes, etc.:

Over the past year, some trespassing has occurred and there was some graffiti painted outside the property gate. Since the COVID-19 pandemic, MFHC has noticed an increase in break-ins along the highway. One person tried to open the lock box and get into the storage areas and the refrigerator. MFHC is doing its best to address this issue. Chris Cramer is now a full time staff member and is on site almost daily. The property is also equipped with security cameras, which discourage trespassing. All storage areas now have locks. No fish or other natural resources were impacted as a result of the break-ins/trespassing and nothing of value was stolen.

F. Were any possible violations of the terms of the Conservation Easement evident? If yes, describe as specifically as possible.

No

G. Describe measures taken by the landowner to comply with public access limitations set forth in Section C.2 of the Conservation Easement.

The following statements were made by MFHC Board Member, Brenda Asuncion, who attended the monitoring visit:

Access for stewardship activities is still only allowed through direct contact with the MFHC Board of Directors, which limits volunteer days to three days or less per month. Due to COVID-19, MFHC has cancelled work days and have not yet reopened the property to the public.

Typically group sizes are limited to 10-15 people. This is accomplished by requiring that volunteers RSVP in advance for work days.

As noted in this report, access is closed to the public and new gates have been installed. Security cameras assist with monitoring and discouraging trespassing.

VI. Documenting the Monitoring Visit

A. Number and description of photographs taken, if any, during the monitoring visit:

See attached photo point map and monitoring photos.

VII. Summary

A. Any reason to require more frequent monitoring of the Conservation Easement?

No

B. Any reason to anticipate defense of the Conservation Easement in the next twelve months?

No

C. Any special stewardship requirements/activities for the coming twelve months?

Due to the uncertainty created by the COVID-19 pandemic, nothing else special is planned for the rest of the year. MFHC is monitoring the COVID-19 situation and will adjust its activities accordingly.

D. Additional remarks/observations:

None.

TMK Map



CITY AND COUNTY OF HONOLULU
Department of Budget and Fiscal Services
Real Property Assessment Division



Overview



Legend

- Roads
- Parcels
- City Labels
- County Outlines
- Area LM
- Area Water
- Ocean

Parcel ID	380020260000	Situs/Physical Address	5975 KALANIANAʻOLE HWY	Assessed Land Value	\$1,961,700	Last 2 Sales Date	6/21/2017	Price	0	Reason	OTHER	Qual	U
Acres	0.7712			Assessed Building Value	\$449,700								
Class	RESIDENTIAL A			Total Property Assessed Value	\$2,411,400								
				Total Property Assessed Value	\$2,411,400								
				Exemptions		6/9/2017		\$2300000		NOT OPEN MARKET		U	
				Total Net Taxable Value	\$0								
Brief Tax Description	LOTA-7-B-1-L-1 MAP 299 LCAPP 576 33,594 SF TOG/UND 1/10 INT IN: LOT A-7-B-1-Q 144,367 SF (3802-30) V/O (Note: Not to be used on legal documents)												

Date created: 7/6/2020
Last Data Uploaded: 7/6/2020 11:04:33 AM

Developed by Schneider GEOSPATIAL

Source:

<https://qpublic.schneidercorp.com/Application.aspx?AppID=1045&LayerID=23342&PageTypeID=1&PageID=9743&KeyValue=380020260000>

Aerial Map



Photo Point Map



Monitoring Photos

Photo 1: Drive way/ Main entry to the Property (Makai View).

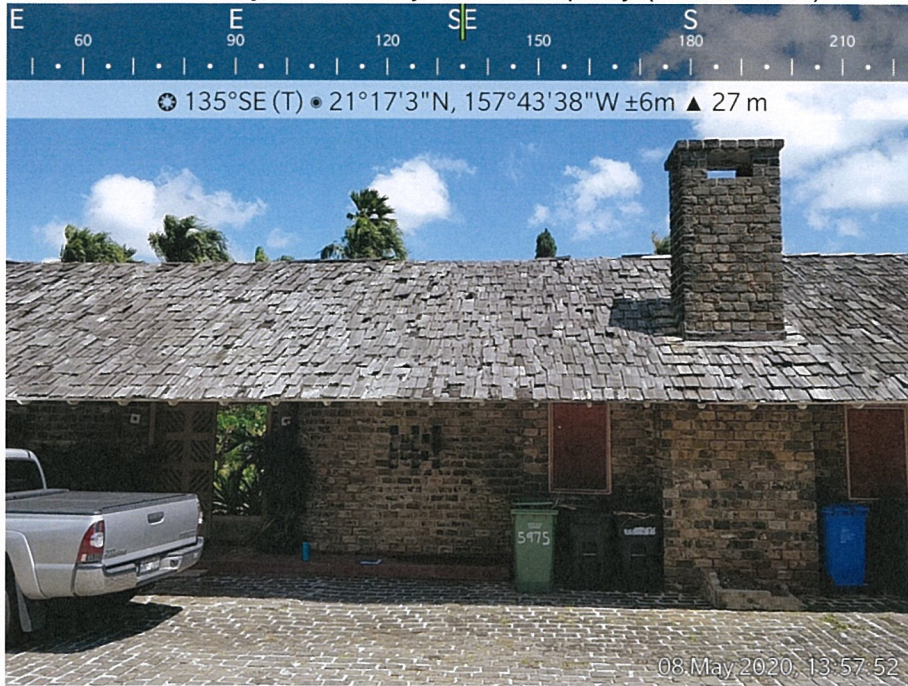


Photo 2: Wall/Entry gate next to Kalanianaʻole Highway



Photo 3: View of the courtyard area



Photo 4: Brick lanai and boarded up structure



Photo 5: View of the Southern Boundary



Photo 6: View of the old swimming pool



Photo 7: View from the middle of the property facing the courtyard



Photo 8: Entry gate next to Kalanianaʻole Hwy.

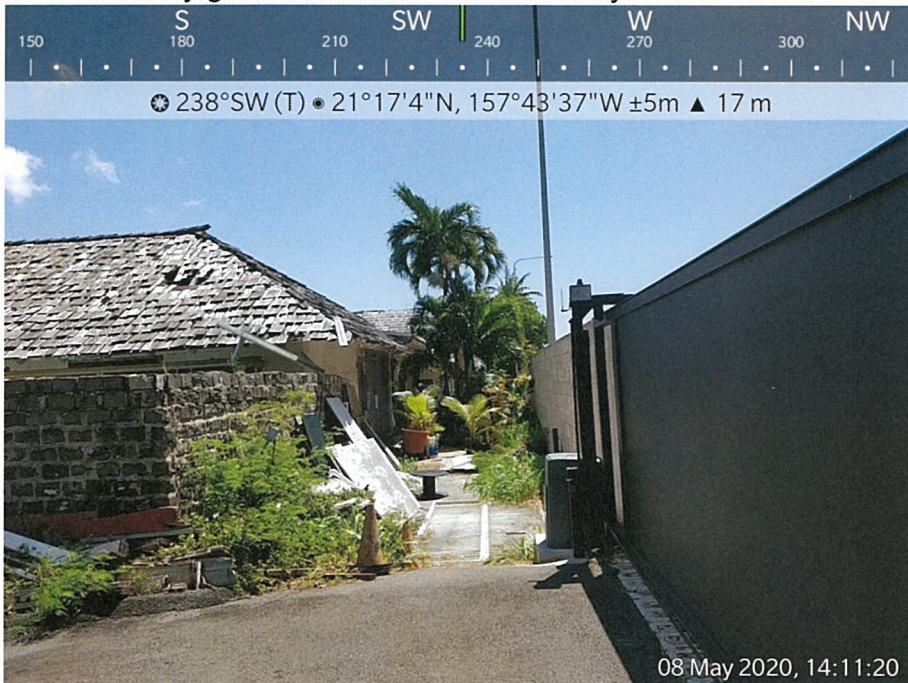


Photo 9: View of stone wall structure from North boundary.

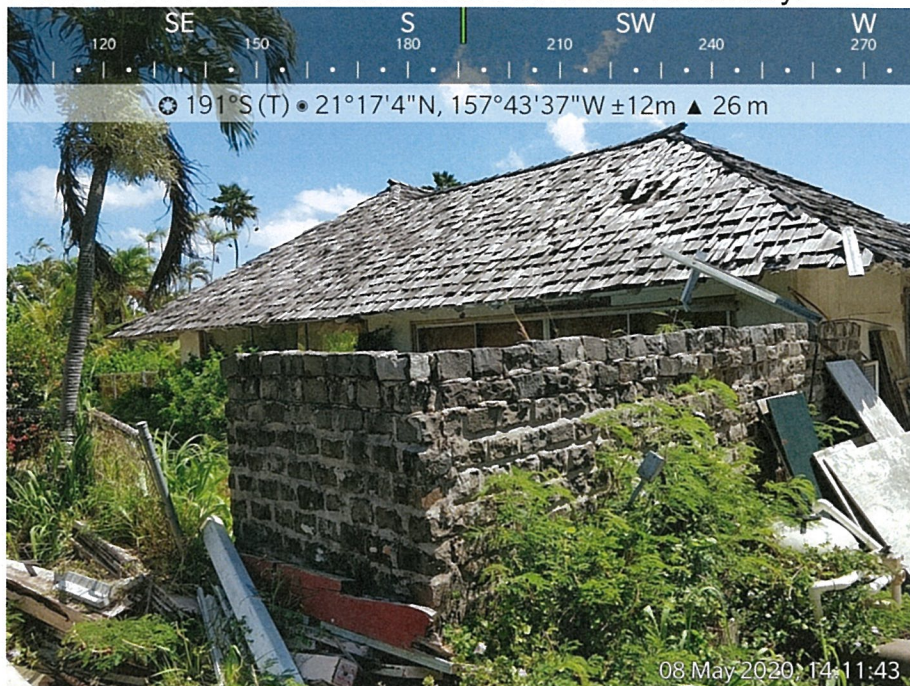


Photo 10: View of Eastern Boundary



Photo 11: View of Makaha



Photo 12: View of Makaha (fish gate)



Photo 13: Ku'ula Stone (fishing shrine)

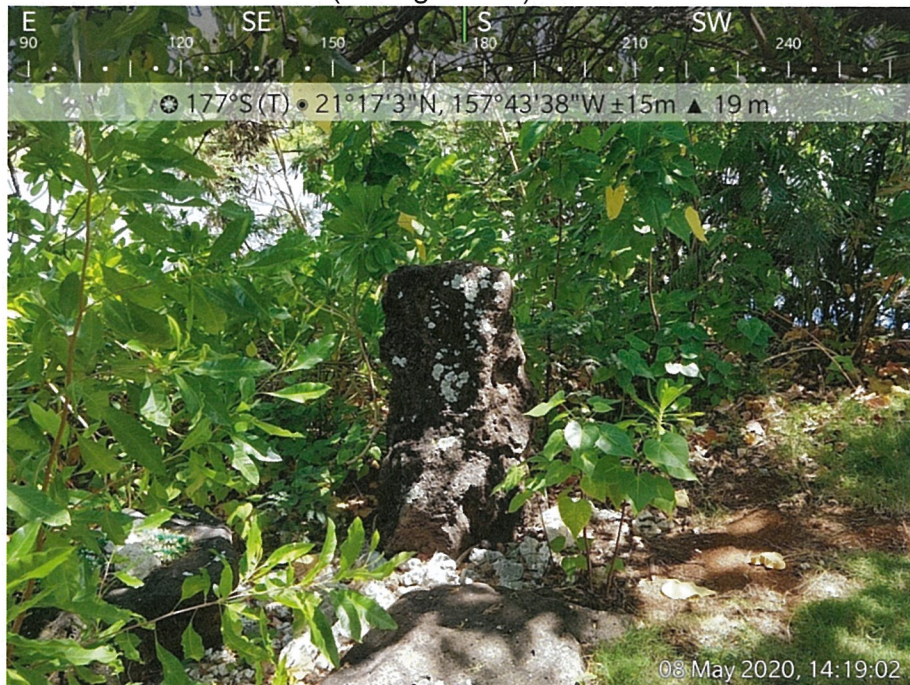


Photo 14: Canoe lashing stone



Photo 15: View of Western Boundary



Photo 16: New classroom in progress



Photo 17: View of inside the classroom



Photo 18: New office space

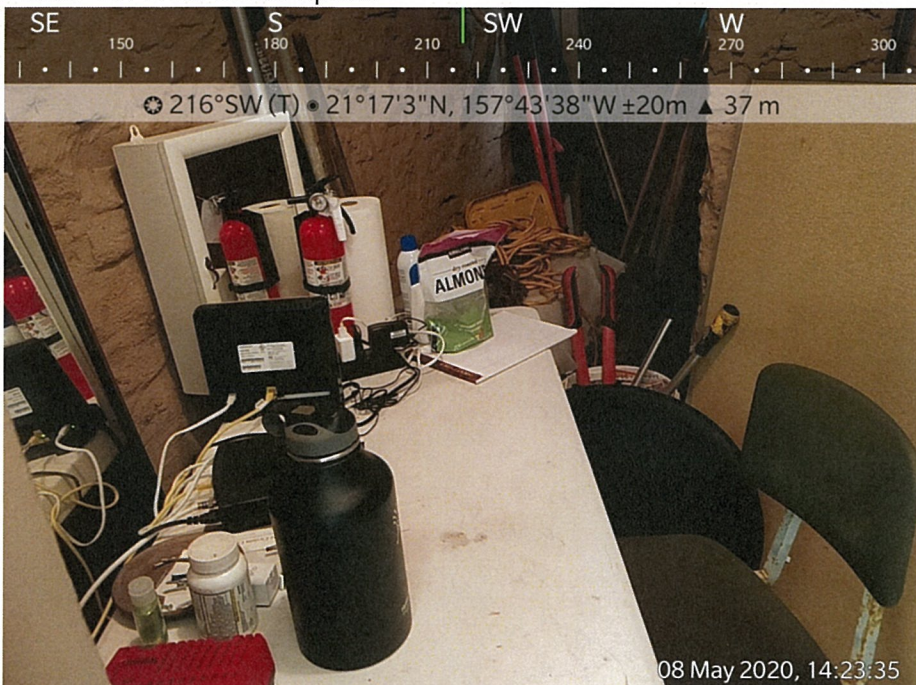


Photo 19: View of Kānewai Spring

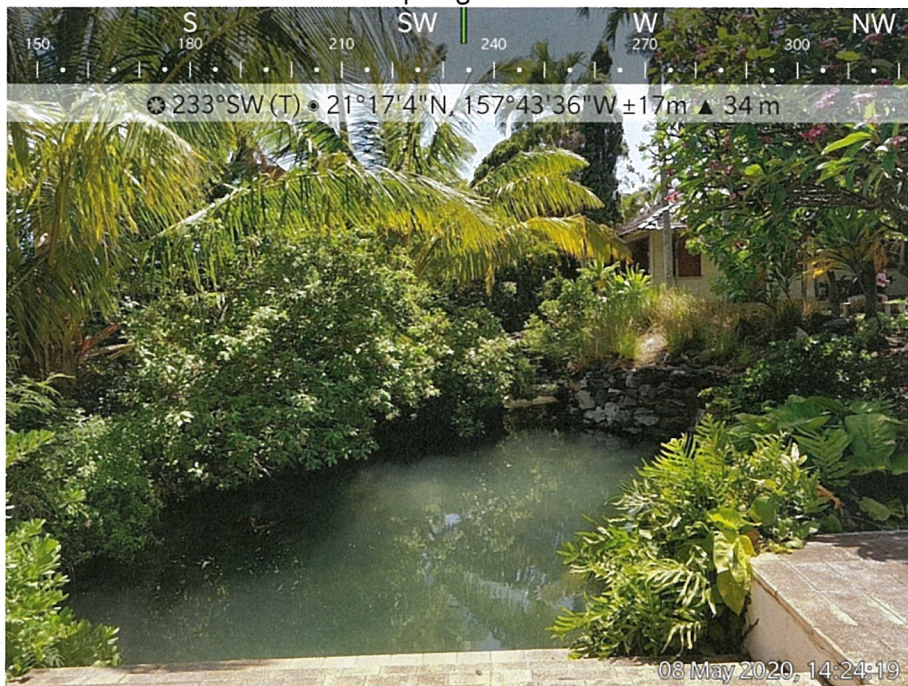


Photo 20: New beekeeping area



REVIEW
ANNUAL CONSERVATION EASEMENT
MONITORING REPORT

Property: Kanewai Spring

Date of Monitoring: May 8, 2020

Review by:
City & County of Honolulu, Dept. of Land Management
And
Livable Hawaii Kai Hui

Pfund, Sandra

From: chris cramer <ccramer@maunaluafishpondheritage.org>
Sent: Friday, October 9, 2020 10:47 AM
To: Tina Aiu
Cc: Pfund, Sandra; Livable Hawaii Kai Hui; Penn, David
Subject: Re: Kanewai 2020 Annual Monitoring Wrap Up

On behalf of the Maunalua Fishpond Heritage Center, we thank you for your time and effort and the easement holders for monitoring the Kanewai Spring easement. We reaffirm that the Maunalua Fishpond Heritage Center is not conducting commercial activities at Kanewai Spring, related to the beekeeping or otherwise. The purpose of having the bees on site was to provide a place for Hawaiian Honeybees 501c3 to keep the bees for educational purposes and to increase the pollination of native plants and trees on the .77 acre site. Our board is currently reviewing the beekeeping program.

We want to reassure our easement holders and the community at large that no activities prohibited under the conservation easement have ever taken place or are currently taking place at Kanewai Spring. Kanewai Spring is bordered on four sides by a minimum six foot buffer: the adjacent land to the east is thickly overgrown vacant State land; mauka is Kalanianaʻole Highway; makai is the 3.3 acre Kanewai Fishpond; and to the west, while our neighbor has been travelling all summer, we have had a good relationship with him since we became caretakers of Kanewai. We have always respected our neighbors' space and privacy and have been transparent with the community about the activities that occur at Kanewai, providing quarterly newsletters to our neighbors, the neighborhood board, and our City and State representatives. In addition to meeting the conservation easement requirements, we have been following the quarantine shutdown. If there are any issues that are of concern we are happy to discuss further.

Chris Cramer

Executive Director

Maunalua Fishpond Heritage Center

(808) 382-0847

On Thu, Oct 8, 2020 at 12:18 PM Tina Aiu <tina.aiu@gmail.com> wrote:
Aloha Chris,

I'm following up on our last communication regarding the beekeeping operation. This is also a note for LHKH's file to fulfill its kuleana as Administrative Holder.

1. There can be no commercial activity related to the beekeeping on the Kānewai Property.
2. LHKH would also caution against activity that could affect the neighbors or potentially give them a negative perception of what is occurring on the Property.

This email concludes my work on the 2020 Annual Monitoring for the Kanewai Spring Conservation Easement. Should you have any follow up questions or concerns, please contact either Livable Hawaii Kai Hui at directors@hawaiiikaihui.org or contact Sandra or David, copied here.

Mahalo,
Tina Aiu

--

Program Manager
LIVABLE HAWAII KAI HUI
Facebook: [Livable Hawaii Kai Hui - Aloha 'Aina 'O Kamilo Nui - Ka Iwi Coast](#)
Instagram: [@livablehawaiiikaihui](#)
Twitter: [@hawaiiikaihui](#)
YouTube: [Livable Hawaii Kai Hui](#)

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Maunalua Fishpond Heritage Center 501(c)(3)
Facebook: [**Maunalua Fishpond Heritage Center**](#)
P.O. Box 240204
Honolulu, HI 96824-0204

Pfund, Sandra

From: Pfund, Sandra
Sent: Friday, July 31, 2020 4:49 PM
To: 'Tina Aiu'
Cc: david.penn@hawaii.gov
Subject: RE: 2020 Annual Conservation Easement Monitoring Report - Kanewai Spring

Aloha Tina,

Thank you for your submittal. Page 7 of the report describes that a bee keeping area has been installed on the property.

Could you please provide information on the purpose of the bee keeping? Confirm it is not for commercial use? This is not a use that was described in the original application.

Thank you,
Sandy

Sandra Pfund, Director
City and County of Honolulu
Department of Land Management
558 S. King Street
Honolulu, Hawaii 96813
Ph: (808) 768-4291
Fax: (808) 768-4296
Email: spfund@honolulu.gov
Website: <http://www.honolulu.gov/dlm.html>

From: Tina Aiu <tina.aiu@gmail.com>
Sent: Wednesday, July 8, 2020 8:07 AM
To: Pfund, Sandra <spfund@honolulu.gov>; david.penn@hawaii.gov
Cc: directors@hawaiiikaihui.org
Subject: 2020 Annual Conservation Easement Monitoring Report - Kanewai Spring

Aloha Sandra and David,

I hope this email finds you both safe and healthy.

Please see the Annual Conservation Easement Monitoring Report for Kanewai Spring, and let us know if you have any questions.

Mahalo,
Tina Aiu

--
Program Manager
LIVABLE HAWAII KAI HUI